

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

SHAUN JOHNSON,)	
)	Case No. 3:16-cv-468
<i>Plaintiff,</i>)	
)	Judge Travis R. McDonough
v.)	
)	Magistrate Judge Debra C. Poplin
AMANDA HINDS,)	
)	
<i>Defendant.</i>)	

MEMORANDUM OPINION

This is a *pro se* prisoner's complaint under 42 U.S.C. § 1983, filed July 8, 2016 [Doc. 1 p. 6]. Now before the Court is Defendant Hinds's motion to dismiss this matter as duplicative of Plaintiff's other pending lawsuit against her [Doc. 15]. For the reasons set forth below, this motion [*Id.*] will be **GRANTED** and this action will be **DISMISSED**.

In accordance with the Court's order [Doc. 5], Plaintiff filed an amended complaint [Doc. 6] which is the operative complaint in this matter [Doc. 5 p. 3]. Plaintiff's amended complaint [Doc. 6], however, contains the same allegations and claims as those set forth in his operative amended complaint in his other pending lawsuit against Defendant Hinds in this district, filed November 20, 2015. *See Johnson v. Hinds*, No. 2:16-CV-45 [Doc. 1 p. 11; Doc. 22]. While the amended complaints are not completely identical, as Plaintiff sets forth his factual allegations and claims in different orders in the two amended complaints, the substance thereof is identical. *Compare* [Doc. 6] *with Johnson v. Hinds*, No. 2:16-CV-45 [Doc. 22]. As such, this lawsuit is duplicative of Plaintiff's previously filed lawsuit.

Faced with a duplicative suit such as this one, a federal court may exercise its discretion to stay or dismiss the suit before it, allow both federal cases to proceed, or enjoin the parties from proceeding in the other suit. *See Smith v. SEC*, 129 F.3d 356, 361 (6th Cir. 1997). With respect to duplicative suits, the Sixth Circuit has stated that

simple dismissal of the second suit is [a] common disposition because plaintiffs have no right to maintain two actions on the same subject in the same court, against the same defendant at the same time. *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138–39 (2d Cir. 2000); *see also Missouri v. Prudential Health Care Plan, Inc.*, 259 F.3d 949, 953-54 (8th Cir. 2001) (joining other courts that have held a district court may dismiss one of two identical pending actions).

Twaddle v. Diem, 200 F. App'x 435, 438 (6th Cir. 2006) (alterations in original).

Accordingly, Defendant's motion to dismiss [Doc. 15] will be **GRANTED**, and this action will be **DISMISSED** as duplicative. The Court **CERTIFIES** that any appeal from this action would not be taken in good faith and would be totally frivolous. See Rule 24 of the Federal Rules of Appellate Procedure.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE